

**North Carolina Fair
Housing Center**

**City of Durham
Analysis of Impediments Study
and Fair Housing Plan**

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EXECUTIVE SUMMARY

Durham is one of the most ethnically diverse cities in North Carolina; 45.3% of the population is white, 43.8% is African-American, 8.6% is Hispanic/Latino, 1.9% is Asian Indian, 1.1% Chinese and .08% is Native American.¹

Durham experienced a 334% growth in its Hispanic population since the last census. Hispanics currently comprise 8.6% of the population. This rapid influx of Hispanics has created unique barriers to fair housing choice. In this short period of time a segregated housing pattern has emerged. It is unlikely that this level of isolation can be explained simply by self segregation.

The City of Durham's Housing Code Enforcement Targeting Policy is in compliance with federal court rulings and targeting is not based upon the racial or ethnic composition of neighborhoods but based upon the high number of substandard housing units located in the communities.

A review of the Durham Housing Authority's records shows that no funds have been allocated in the past 5 years for 504 compliance or the modification of units for use by persons with disabilities. This is an impediment for housing choice for very low income disabled persons.

The greatest impediment to fair housing choice is residential segregation and the economic disparities that foster it.

There is some evidence that both Mortgage brokers and Real Estate brokers are steering consumers based on race or ethnicity. An analysis of the most recent HMDA data shows a distinctive pattern that indicates that minority borrowers regardless of income are disproportionately locating in the Durham MSA and that white borrowers with similar characteristics are disproportionately locating in the Raleigh-Cary MSA.

In general, the Triangle is a low cost place for mortgage lending. Approximately 32.8 percent of African-American loans were high cost in the United States in 2004, just 10.4 percent were high cost in the Triangle. For whites, approximately 8 percent were high cost in 2004 nationwide, just 2.4 percent were high cost here.

When borrowers are placed in four income categories by race, African-Americans are 2.84 times more likely to be denied a loan in the Triangle compared to a white borrower in an equivalent income category. The greatest discrepancy is with the wealthiest borrowers. African-American borrowers with incomes above 120% of AMI are rejected 22.5 percent of the time or more that 3.17 times more often than equivalent white borrowers.

¹ www.durham-nc.com/secondary/faq/faq_gen.php

Information received from disability advocates in the Durham area indicate that there is still a shortage of accessible housing units in the Durham area and that there is still significant noncompliance although there has been some improvement in compliance. It was also reported that many persons with disabilities are faced with landlords' perceptions that a person with disabilities will require more attention than other tenants and are reluctant to rent to them.

NIMBYism however, has the greatest effect on persons with disabilities, particularly those living in a group home setting. At least one complaint has been filed against a HOA for covenants prohibiting group homes. Such covenants violate the Fair Housing Act.

Hispanics and other immigrants also experience discrimination in the terms and conditions of occupancy. Landlords often refuse to carryout repairs and routine maintenance for immigrant tenants.

A review of Commission records from 2003 to the present shows a strong commitment to the elimination of illegal housing discrimination and to the promotion of fair housing choice for all of Durham's citizens. Since April, 2004, the investigators have conducted on-site reviews on all cases and as a result have conciliated 85% of them.

A court decision *Bergman v. NC Fair Housing Center* 00CVS 04096 may affect the agency's ability to carry out the provisions of its fair housing law or ordinance. This ruling by the NC Court of Appeals determined that the NC Constitution does not recognize organizational standing for fair housing organizations. This ruling contradicts federal court decisions.

State House of Representative H. M . Michaux introduced legislation to grant Fair Housing Organizations as defined under 42 U.S.C § 3602 with standing under the State Fair Housing Act. There is a dispute as to whether the amendment to the State Statute was sufficient to grant standing under the Durham Fair Housing Ordinance. HUD has recommended that the NC Fair Housing Center file complaints directly with HUD until this issue can be cleared up.

INTRODUCTION

The Department of Housing and Urban Development requires entitlement cities like Durham to submit their Federal grant funding applications for the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Shelter Grant (ESG) and Housing Opportunities for Persons with AIDS (HOPWA) as a part of the Consolidated Plan. Previously, those federal grant fund applications were submitted individually throughout the budget year.

This is the second Fair Housing Plan developed by the City of Durham under the federal guidelines mandated by the Department of Housing and Urban Development (HUD). As part of its certification to affirmatively further fair housing (AFFH), HUD requires the City to conduct an analysis of impediments to fair housing choice. The City must also take appropriate actions to overcome the effects of any impediments identified through this analysis.

Title VIII of the Fair Housing Act declares, "It is the policy of the United States to provide, within Constitutional limitations, for fair housing throughout the United States." In addition, the law directs all executive departments and agencies to administer their programs and activities related to housing and urban development in a manner affirmatively to further the purposes of the Act.

The City of Durham has contracted with the North Carolina Fair Housing Center to conduct the analysis of impediments and to work with the Department of Community Development office in the development of an action plan to overcome any impediments identified in the analysis.

METHODOLOGY

The North Carolina Fair Housing Center was Commissioned to conduct an analysis of fair housing choice for the City of Durham. HUD defines this procedure as a “comprehensive review of policies, practices and procedures that effect the location, availability and accessibility of housing and the current residential patterns and conditions.” In order to accomplish this task we have examined existing studies and literature, conducted an historical analysis, reviewed the public policies from a fair housing perspective, analyzed the effectiveness of existing fair housing activities and examined barriers to fair housing choice for each protected class.

Based upon this analysis, we have prepared this report of our findings and recommendations for public comment and review.

HISTORICAL ANALYSIS

Durham, North Carolina is a progressive southern community that is experiencing significant economic and population growth, an expansion of the housing supply and a relatively low unemployment rate. The area has good neighborhoods and schools, and a well-planned transportation network. Consequently, the City of Durham has much to offer in addition to its natural beauty, active religious and community organizations and strong political leadership.

The area's largest employers include Duke University, IBM, GlaxoSmithKline, Nortel Networks, Cisco Systems, RTI International, Blue Cross & Blue Shield, Duke University Health Systems, Verizon South, and the former Central Carolina Bank and Trust, now part of SunTrust Bank.²

Even with such a bright future, Durham has a growing population of very poor, mostly black residents struggling with unemployment and underemployment, lack of affordable housing, undercapitalization and inadequate community resources: Overall however, the City boasts one of the state's highest per capita incomes and has strong population and employment growth.

These demographic trends have their basis in Southern history. Prior to the civil rights movement of the 1960s, segregation in the South was the rule. Current segregated housing patterns are attributable to the historical legacy of overt discrimination in housing through both public policy and social practices. Residential segregation became an important component of the institutionalized effort to isolate the races.

In the 1940s government programs designed to promote homeownership helped to increase racial segregation. These programs, particularly the Federal Housing Administration's (FHA) mortgage policy, heightened racial segregation by encouraging the real estate industry to protect the ethnic characteristics of neighborhoods and by refusing to make loans in black communities because they were deemed too risky.³

From 1960 through the mid 70s, the City of Durham was an active participant in various urban renewal projects which focused on clearing slum and blight. Acquisition for land assembly and the demolition of structures associated with it was the role of local government in housing at that time. Most of the businesses and housing units that were demolished were in areas inhabited by blacks located in the urban core. Because the City had not adequately planned programs in the areas of housing, building code enforcement and relocation, there was extensive displacement of low and moderate-income families and businesses.

² City of Durham Consolidated plan 2005-2010. p.11

³Matthew Charles Bouchard, How Can the State of North Carolina Promote Residential Intergration (Durham: Duke University, 1994), pp. 3-4

As displaced black families began moving to the neighborhoods around the business district, white families began moving further out. Meanwhile, the civil rights movement in the late 1960s and the desegregation of the Durham public schools in the early 1970s led white families to begin moving to the suburban areas of Durham. This "white flight" in the local housing market contributed to the divestment of economic resources and the abandonment of urban core communities.

As early as 1968 and throughout the '70s, the City of Durham began working with the Durham Board of Realtors to counteract "blockbusting" activities within the city. In 1979, with the support of the Durham Chamber of Commerce, the Durham Business and Professional Chain, CCB(Suntrust) and Mechanics and Farmers Bank, Durham became one of the first cities in the South to pass an ordinance prohibiting discrimination in housing on the basis of race, color, religion, sex, and national origin. That ordinance was recognized by HUD as substantially equivalent to the federal fair housing act in 1980. In 1989 the City of Durham amended its ordinance to protect families with children under the age of 18 and persons with disabilities.

Population

As of the 2000 US Census, the City of Durham had a population of 187,035. Between 1990 and 1999, the total population of the city grew approximately 23%. Since 2000, the City has grown by 10% or more leaving the City with an estimated population of 207,000.

Durham is one of the most ethnically diverse cities in North Carolina; 45.3% of the population is white, 43.8% is African-American, 8.6% is Hispanic/Latino, 1.9% is Asian Indian, 1.1% Chinese and .08% is Native American.⁴ The minority population of Durham changed considerably in the period from 1990 to 2005. The 2000 census data showed an increase of 334.3% in the immigrant population since 1990, as compared with a 25% increase in native-born population. This period saw a substantial increase in the number of Hispanic residents in the city. The Hispanic population, which represented only 1.1% of Durham County in 1990, grew to 7.6% by 2000. Within the City, Hispanics represent 8.6% of the population. North Carolina is seventh among the fifty states in immigration. Twelve percent of Durham's population is foreign-born, with 6.7% of the foreign born coming from Latin America and 2.9% born in Asia.⁵

Durham experienced a 334% growth in its Hispanic Population since the last census and currently comprise 8.6% of the population. This rapid influx of Hispanics has created unique barriers to fair housing choice. In this short period of time a segregated housing pattern has emerged. It is unlikely that this level of isolation can be explained simply by self segregation.

⁴ www.durham-nc.com/secondary/faq/faq_gen.php

⁵ www.fairus.org/research

Language and culture also serve as significant barriers to housing opportunity for persons of Hispanic/Latino background. Many Latinos come from countries where there is very little trust in government and there are often negative consequences for going to government agencies for assistance. Language also serves as a significant barrier for many Hispanic/Latinos who have difficulty in understanding complex legal documents such as leases and mortgages that are often only available in English.

Despite strong job growth and low unemployment, it should be noted that many census tracts in Central Durham have high poverty rates and low incomes. Durham County's poverty rate as of the 1999 was 12.7% and its median income was \$53,223. Of the County's 54 census tracts, 13 had poverty rates in excess of 20% and 11 others had poverty rates exceeding the county-wide average of 12.7%. Census Tract median incomes in 1999 stretched from a low of \$15,151 (Census Tract 12.02) to a high of \$122,503 (Census Tract 20.08).

Median Household Income
Table 1: Median Household Income

Persons in Family Unit	2004 HHS Federal Poverty Guidelines for 48 Contiguous States and D.C. ⁶	DHCD 2004 80% of Median Family Income Chart	DHCD 2004 30% of Median Family Income Chart
1	\$ 9,310	\$39,950	\$14,950
2	12,490	45,650	17,100
3	15,670	51,350	19,250
4	18,850	57,050	21,400

Housing Characteristics

Durham's housing stock reflects the demographic contrasts of the city and is notable for the following characteristics:

- Age of the Housing Stock: 23% of all houses in Durham were built prior to 1959.
- High rent to own ratio: 46% of all occupied units in Durham County are rentals and 51% of all occupied units in the City are rentals.
- Vacancy rates: Durham's overall vacancy rate is modest at 6.7%. However, many of the most impoverished census tracts have vacancy rates in excess of 10% and Census Tract 13.01 has a vacancy rate of 20.4%.

The total number of housing units in Durham County increased from 77,788 in 1970 to 95,452 in 2000⁷ As indicated below, the number of occupied units is lower:

⁷ http://socds.huduser.org/Census/Census_Home.htm

Table 2: Housing Units

HOUSING OCCUPANCY	#	%
Total housing units	95,452	100.0
Occupied housing units	89,015	93.3
Vacant housing units	6,437	6.7
For seasonal, recreational, or occasional use	517	0.5

Durham has seen steady growth in its rate of single family housing unit production by the private market.

1996: 997 housing units, average cost: \$111,800
1997: 1274 housing units, average cost: \$123,500
1998: 1519 housing units, average cost: \$120,500
1999: 1554 housing units, average cost: \$148,100
2000: 1283 housing units, average cost: \$152,600
2001: 1633 housing units, average cost: \$156,300
2002: 1590 housing units, average cost: \$159,700
2003: 1834 housing units, average cost: \$163,500
2004: 1937 housing units, average cost: \$164,100

For example, 93% of all housing stock in census tract 16.04 has been built since 1960. Closer to the center of the city, 71% of all housing stock in census tract 13.01 was built prior to 1959. Private investment has largely by-passed the neighborhoods of Central Durham.

The term Housing Tenure refers to whether a residential unit is occupied by an owner or by a renter. As Table 3 indicates, the City of Durham's rate of homeownership is 49%. In many of the poorest Census Tracts, the homeownership rate is as low as 12%. As such, DCD is embracing a strategy to increase rates of homeownership by targeting local and HUD funds to specific neighborhoods and by working with private lenders to encourage their investment.

Table 3: Housing Tenure (Owner or Renter Occupied)⁸

	Durham City	Durham County
Total Occupied	75,021	89,015
Owner-Occupied	37,786	48,278
Renter-Occupied	38,235	40,737

Durham's housing stock is marked by a diverse array of choices. A new resident can choose between new housing developments or historic neighborhoods. While this diversity provides residents with a number of choices it sometimes hides the fact that

⁸ *Id.*

much of the housing stock in poorer areas is aging and is therefore becoming unsuitable for continued habitation.

Table 4: Age of Housing

	Durham City	Durham County
Year Built		
Total	80,872	95,452
1999 to 1/2000	3,888	3,692
1995 to 1998	8,648	9,753
1990 to 1994	8,097	9,451
1980 to 1989	16,536	19,655
1970 to 1979	13,453	17,521
1960 to 1969	11,274	13,524
1950 to 1959	8,833	9,874
1940 to 1949	5,221	5,844
Pre-1939	5,708	6,138

An estimated 56,000 homes in Durham City and County were built when lead was still a permissible ingredient of paint. Seventy-five percent of them are occupied by or available to low and moderate income families. The homes should be inspected to ensure that this potential hazard is removed; Durham County currently has the highest rate of lead poisoning in the state. Much of the more recent construction of homes is unaffordable for lower income families. New home prices in Durham have risen faster than household income. New home prices in Durham increased by 50% while household incomes in the region have risen by 34%.

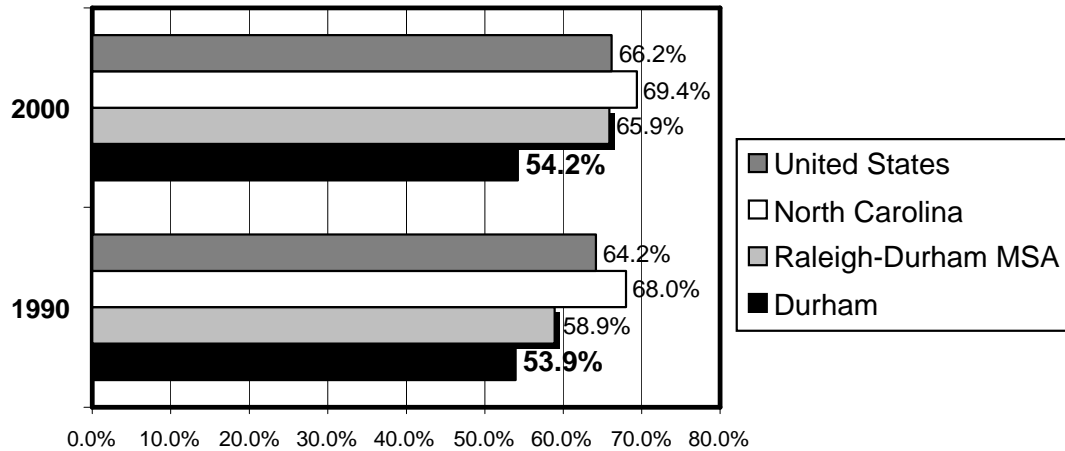
While housing in Durham is generally considered more affordable than many jurisdictions in the Triangle MSA, housing for many non-professional workers is priced beyond what HUD considers affordable. In order to purchase the median priced house in the City of Durham, an individual would need to make approximately \$30,000 a year. The average rent of \$575 would necessitate a yearly salary of approximately \$23,000 or an hourly wage of over \$11.

Table 5: Cost of Housing

			Specified Owners Median Selected Monthly Owner Costs		Specified Renters Median Rent	
	Occupied Housing Units	Median Value (\$)	With Mortgage	Without Mortgage	Contract	Gross
Durham County	89,015	129,000	1,118	312	561	658
Durham City	39,888	104,500	978	306	477	575

Increases/decreases in Homeownership Rate using property tax

**Homeownership Rate Comparison:
1990-2000**



IMPEDIMENTS TO CHOICE FOR PROTECTED GROUPS

Public Policy

The Fair Housing Act makes it unlawful

- To utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities or a specific type of disability, such as mental illness, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.
- To take action against or deny a permit for a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons with mental retardation.
- To refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.
- What constitutes a reasonable accommodation is a case-by-case determination.
- Not all requested modifications of rules or policies are reasonable. If a requested modification imposes an undue financial or administrative burden on a local government, or if a modification creates a fundamental alteration in a local government's land use and zoning scheme, it is not a "reasonable" accommodation.

Fair Housing Act is not a land use or zoning statute; it does not pre-empt local land use and zoning laws. This is an area where state law typically gives local governments primary power. However, if that power is exercised in a specific instance in a way that is inconsistent with a federal law such as the Fair Housing Act, the federal law will control. Long before the 1988 amendments, the courts held that the Fair Housing Act prohibited local governments from exercising their land use and zoning powers in a discriminatory way.

A concern expressed by some local government officials and neighborhood residents is that certain jurisdictions, governments, or particular neighborhoods within a jurisdiction, may come to have more than their "fair share" of group homes. There are legal ways to address this concern. The Fair Housing Act does not prohibit most governmental programs designed to encourage people of a particular race to move to neighborhoods occupied predominantly by people of another race. A local government that believes a particular area within its boundaries has its "fair share" of group homes, could offer incentives to providers to locate future homes in other neighborhoods.

However, some state and local governments have tried to address this concern by enacting laws requiring that group homes be at a certain minimum distance from one another. The Department of Justice and HUD take the position, and most courts that have addressed the issue agree, that density restrictions are generally inconsistent with the Fair Housing Act. If a neighborhood came to be composed largely of group homes, that could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community. Especially in the licensing and regulatory process, it is appropriate to be concerned about the setting for a group home. A consideration of over-concentration could be considered in this context. This objective does not, however, justify requiring separations which have the effect of foreclosing group homes from locating in entire neighborhoods.

Regulation and licensing requirements for group homes are themselves subject to scrutiny under the Fair Housing Act. Such requirements based on health and safety concerns can be discriminatory themselves or may be cited sometimes to disguise discriminatory motives behind attempts to exclude group homes from a community. Regulators must also recognize that not all individuals with disabilities living in group home settings desire or need the same level of services or protection. For example, it may be appropriate to require heightened fire safety measures in a group home for people who are unable to move about without assistance. But for another group of persons with disabilities who do not desire or need such assistance, it would not be appropriate to require fire safety measures beyond those normally imposed on the size and type of residential building involved. A fair housing violation will be determined by:

- The impact an official action bears more heavily on a protected class
- The historical background of the challenged decision
- The specific sequence of events leading up to the decision
- Departures from the normal procedural sequence
- Departures from substantive criteria
- Legislative or administrative history
- Contemporaneous statements made by the members of the zoning board

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to six unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission. If that ordinance also disallows a group home for six or fewer people with disabilities in a certain district or requires this home to seek a use permit, such requirements would conflict with the Fair Housing Act. The ordinance treats persons with disabilities worse than persons without disabilities.

		RESIDENTIAL					
KEY: "P" = Permitted "L" = Limited "M" = Major Special Use Permit "N" = Not Allowed							
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC
Household Living	Manufactured home	L					
	Manufactured home park or subdivision						
	Upper-story residential						
Group Living	All group living, except as listed below			m	m	m	m
	Commercial dorm			L/m		L/m	L/m
	Congregate living facility			L	L/m	L	L/m
	Group home		L/m	L	L/m	L	L/m

The Center also reviewed the City of Durham's Housing Code Enforcement Targeting Policy. The Center's review found that the policy is in keeping with federal court rulings and that the targeting is not based upon the racial or ethnic composition of the neighborhoods but based upon the high number of substandard housing units located in the communities.

A review of the Durham Housing Authority's records shows that not a single dollar has been allocated in the past 5 years for 504 compliance or the modification of units for use by persons with disabilities. This is an impediment for housing choice for very low income disabled persons. It is recommended that the Durham Housing Authority conduct a review of its programs and policies to determine how well they are meeting the housing needs of persons with physical and mental disabilities.

Residential Segregation

The greatest impediment to fair housing choice is residential segregation and the economic disparities that foster it. A recent study conducted by the University of Minnesota suggests "residential segregation is an example of a negative constraint for the access to housing markets of African Americans which in turn hampers, their ability to accumulate wealth. Though Durham is less racially segregated than many other U.S. regions, disparities can be found in the housing market and in the region's geography."⁹

⁹ Institute of Race and Poverty Disparities in Housing between African Americans and Whites in Charlotte. (2001) p.1 University of Minnesota

Year	Race / Ethnicity	CBSA (Metropolitan Area) / Division Name	CBSA / Division Code	Total Population	Minority Population	Isolation Index (xPx*)	Dissimilarity Index (D)
2000	American Indian and Alaska Native	Durham, NC	20500	426,493	3,521	0.037	0.246
2000	Asian and Pacific Islander	Durham, NC	20500	426,493	14,504	0.115	0.431
2000	Asian	Durham, NC	20500	426,493	14,258	0.115	0.437
2000	Native Hawaiian and Other Pacific Islander	Durham, NC	20500	426,493	378	0.009	0.423
2000	Black or African American	Durham, NC	20500	426,493	125,647	0.537	0.463
2000	Hispanic	Durham, NC	20500	426,493	27,801	0.313	0.538

Source: U.S. Census Bureau, Housing and Household Economic Statistics Division

According to the University of Minnesota, disparities between housing values can be seen geographically between neighborhoods with different racial compositions. Most white neighborhoods are comprised of middle to upper valued homes. Conversely, African American neighborhoods are comprised of mostly moderate or low valued homes in the city of Durham.

Racially segregated housing patterns influence and are influenced by student assignments in Durham Public Schools. A student assignment plan based solely on geographic proximity to schools can result in significant racial isolation. Durham Public Schools should be encouraged to think about ways of designing attendance zones that promote or ensure integrated student populations.

Since Durham Public Schools redraws its attendance zones on a regular basis and whenever it plans for the opening, closing, or consolidation of schools, or to address significant changes in pupil enrollment the DPS should be encouraged to coordinate its activities with the joint City-County Planning committee to insure that the school system is not fostering or encouraging segregated housing patterns. An example of how such

coordination would have been beneficial relates to allegations of discriminatory impact in the placement of water and sewer lines to Creekside Elementary which appeared to deny access to sewer lines to black homeowners in the community.¹⁰

Decisions about where to assign students and how best to adjust attendance lines are often very political it is important to recognize that encouraging racial integration is one of many goals that school officials must keep in mind as they balance competing interests. Still, Durham Public Schools has access to planning software that can quickly and accurately takes account of a district's racial demographics; show the impact of an attendance line change on each school's enrollment, and even project population growth and residential development over a number of years. In fact, using the right tools and given the right context, school planning experts and city- county planners can work together and take a number of factors into consideration when siting new schools that would stem the development of racially segregated neighborhoods. This could lead to long-term community development efforts that encourage sustainable racial and socioeconomic integration.

Research conducted by the North Carolina Fair Housing Center shows that African American housing values in the City of Durham are 40% less than housing values in predominantly white neighborhoods. Furthermore, it was determined that income alone does not explain this difference entirely. Whites with incomes similar to African Americans often own homes of greater value.

Mortgage Lending Discrimination

The North Carolina Fair Housing Center undertook a selective sample of loans reported under the 2004 Home Mortgage Disclosure Act. The Center analyzed manufactured housing and single family stick built home loans. The analysis includes 23,020 loan applications from selected lenders in the triangle market. Within that group, borrowers received decisions on 17,951 applications. The following table breaks down those loans by loan type and by their action.

Count of action		Loan Type Category		
action category	conventional	FHA	FSA	VA
approved but not accepted	1224	36	8	
denied	2179	116	13	
incomplete	204	38	5	
originated	13332	650	1	145
Grand Total	16939	840	1	171

¹⁰ See, Letter from Charles Daye to Mark Ahrenson TCC Chair 2/3/2005.

Based upon 2004 HMDA data descriptive statistics about lending decisions and incidence of high cost loans for blacks and whites in the Triangle have been tabulated.

Decision by Race -- Counts

action category	African American	White	Percentage African-American	Percentage White
approved but not accepted	192	783	7.7%	6.5%
denied	641	1131	25.7%	9.4%
incomplete	44	143	1.8%	1.2%
originated	1614	9981	64.8%	82.9%
Grand Total	2491	12038	100.0%	100.0%

And by cost:

High Cost by Race

Count of action	Race Category	
action category	African American	White
originated	168	242
not high cost	1446	9739
originated Total	1614	9981
percent High Cost	10.4%	2.4%

In general, the Triangle is a low cost place for mortgage lending. Whereas approximately 32.8 percent of African-American loans were high cost in the United States in 2004, just 10.4 percent are high cost in the Triangle. For whites, whereas approximately 8 percent were high cost in 2004 nationwide, just 2.4 percent are high cost here.

Even though rates are generally low, a significant disparity still exists in the rate of high cost lending to African-Americans compared to whites.

Originations	Lending Channel	Black High Cost Pct	White HC Pct	Ratio
2,280	BANK OF AMERICA, N.A.	0.4%	0.1%	2.68
3	BB&T OF SC	na	33.3%	na
10	BB&T OF VA	na	0.0%	na
1,821	BRANCH BANKING AND TRUST CO	2.3%	2.2%	1.02
2,667	COUNTRYWIDE HOME LOANS	25.7%	5.8%	4.41
7	COUNTRYWIDE MTG. VENTURES, LLC	na	0.0%	na
1,782	NATIONAL BANK OF COMMERCE	9.8%	2.4%	4.05
8	SOUTH TRUST BANK	0.0%	0.0%	na
600	SOUTH TRUST MORTGAGE	20.0%	2.7%	7.47

163	SOUTHBANK	2.0%	0.0%	na
390	SUNTRUST MORTGAGE, INC	4.5%	0.9%	4.82
606	WACHOVIA BANK	7.6%	3.1%	2.48
1,258	WACHOVIA MORTGAGE	0.4%	0.2%	2.19
11,595	TOTAL	10.4%	2.4%	4.29

On a channel by channel basis, South Trust Mortgage and Countrywide Home Loans are the institutions most likely to originate high cost loans. In both cases, these institutions are also more imbalanced than other lenders in the area in their disparate treatment of races. SouthTrust is almost 7.5 times more likely to issue a high cost mortgage to an African-American originator than they are to a white originator.

The cost of lending is not greatly impacted by the presence of a loan being in a Low Income tract. Low income tracts are those defined as ones where median household income is less than 80 percent of median household income for the entire triangle MSA.

There is a higher bar to accessing capital for borrowers located in a low income tract. Across the set of lending channels surveyed, borrowers in low income tracts were denied 19.1 percent of the time, compared to just 12.3 percent of the time for borrowers in non-low income tracts.

Channel	Pct Denial LI	LI Decisions	Pct Denial non LI	non LI decisions	Gap	
BANK OF AMERICA, N.A.	22.1%	294	13.0%	3330	9.1%	
BB&T OF SC	0.0%	1	0.0%	5	0.0%	
BB&T OF VA	0.0%	3	0.0%	7	0.0%	
BRANCH BANKING AND TRUST CO	13.4%	276	11.4%	2290	2.1%	
COUNTRYWIDE HOME LOANS	20.5%	474	15.5%	3608	5.0%	
COUNTRYWIDE MTG. VENTURES, LLC	no decisions	0	0.0%	7	na	
NATIONAL BANK OF COMMERCE	15.9%	276	9.1%	2180	6.8%	
SOUTH TRUST BANK	0.0%	4	31.3%	16	-31.3%	
SOUTH TRUST MORTGAGE		3.7%	54	2.1%	612	1.6%
SOUTHBANK		10.0%	10	1.2%	164	8.8%
SUNTRUST BANKS, INC		no decisions	0	70.0%	10	na
SUNTRUST MORTGAGE, INC		0.0%	56	2.1%	628	-2.1%
WACHOVIA BANK		34.1%	226	23.6%	1338	10.5%
WACHOVIA MORTGAGE		17.4%	207	8.8%	1628	8.6%
Grand Total		19.1%	1881	12.3%	15823	6.8%

The leading “prime” brands – Bank of America and Wachovia Bank – show the greatest discrepancy. But another “prime” brand – BB&T – shows almost no discrepancy at all. BB&T denies about 13 percent of LI borrowers and 11 percent of non LI borrowers.

Low Income Tracts – Denial Rates by Race

Channel	Pct Denial AA	AA Decisions	Pct Denial White	White Decisions	Gap
BANK OF AMERICA, N.A.	37.7%	69	13.0%	161	24.6%
BB&T OF VA	no decisions	0	0.0%	3	na
BRANCH BANKING AND TRUST CO	21.9%	73	8.6%	151	13.3%
COUNTRYWIDE HOME LOANS	30.0%	170	12.1%	214	17.9%
NATIONAL BANK OF COMMERCE	30.3%	76	9.6%	115	20.7%
SOUTH TRUST BANK	no decisions	2	0.0%	2	na
SOUTH TRUST MORTGAGE	0.0%	12	2.9%	34	-2.9%
SOUTHBANK	0.0%	6	25.0%	4	- 25.0%
SUNTRUST MORTGAGE, INC	0.0%	8	0.0%	27	0.0%
WACHOVIA BANK	43.8%	105	18.1%	72	25.8%
WACHOVIA MORTGAGE	no decisions	82	9.1%	88	na
Grand Total	30.5%	603	10.8%	871	19.7%

This table shows that denial rates are much higher for African-Americans in low income tracts than they are for whites in low income tracts. This is an area deserving more research. banks like Wachovia and Bank of America appear to lend in low income tracts but often originate loans differently to whites than to blacks, and by a significant margin.

Table – Low Income Tract Whites Compared to Non-Low Income Tract African Americans

	LIT White	LIT White Dec	NLIT Black	NLIT Black Decision
BANK OF AMERICA, N.A.	13%	161	30.4%	359
BB&T OF SC	no decisions	0	no decisions	0
BB&T OF VA	0%	3	no decisions	0
BRANCH BANKING AND TRUST CO	9%	151	25.2%	163
COUNTRYWIDE HOME LOANS	12%	214	26.7%	528
COUNTRYWIDE MTG. VENTURES, LLC	no decisions	0	no decisions	0
NATIONAL BANK OF COMMERCE	10%	115	18.3%	197
SOUTH TRUST BANK	0%	2	no decisions	0
SOUTH TRUST MORTGAGE	3%	34	6.5%	31
SOUTHBANK	25%	4	0.0%	45
SUNTRUST BANKS, INC	no decisions	0	66.7%	3
SUNTRUST MORTGAGE, INC	0%	27	0.0%	61
WACHOVIA BANK	18%	72	38.8%	209
WACHOVIA MORTGAGE	9%	88	18.1%	248
Grand Total	11%	871	24.8%	1844

This is a very striking result. In almost every case, white borrowers seeking loans in low income census tracts were denied less frequently than were African-American borrowers seeking loans in non low income census tracts.

When the Center placed borrowers in four different income categories by race, it showed that African-Americans are 2.84 times more likely to be denied a loan in the triangle compared to a white borrower in an equivalent income category. The greatest discrepancy is with the wealthiest borrowers. African-American borrowers with incomes above 120% of AMI are still rejected 22.5 percent of the time or more that 3.17 times more often than equivalent white borrowers.

Range	Race Category	Denial Rate	Ratio
less than 80	African American	31.8%	2.38
less than 80	White	13.3%	
80 to 100	African American	26.2%	2.56
80 to 100	White	10.3%	
100 to 120	African American	20.6%	2.22
100 to 120	White	9.3%	
above 120	African American	22.5%	3.17
above 120	White	7.1%	
Summary	All Black	27.1%	2.84
	All White	9.5%	

Testing Studies

Lending Tests

As part of this study the North Carolina Fair Housing Center conducted lending tests to determine the level of discrimination faced by African Americans in the Durham MSA. In 75% of the tests conducted the African American tester was offered 80/20 loans while the white tester was offered both 30 year fixed rate products and 80/20 loans. In 60% of the banks tested the African American was quoted a higher interest rate than the white tester or had different conditions on the loan (e.g. balloon payments, adjustable rates). The testing also produced some evidence that both Mortgage brokers and Real Estate brokers are steering consumers away from Durham. An analysis of the most recent HMDA data shows a distinctive pattern that indicates that minority borrowers regardless of income are disproportionately locating in the Durham MSA and that white borrowers with similar characteristics are disproportionately locating in the Raleigh-Cary MSA.

Familial Status

Large families still have difficulty finding affordable units in the Durham market. In 1999 The North Carolina Fair Housing Center conducted audits to determine the level and type of discrimination faced by families with children in the Durham rental market. Overall, the audit uncovered little evidence of widespread discrimination based upon familial status in the Durham rental market.

Persons with disabilities

For persons with physical disabilities the challenge is to find an accessible or adaptable unit at an affordable rent. The North Carolina Fair Housing Center in 1999, conducted audits in the City of Durham to determine the level of compliance with the design and construction provisions of the Fair Housing Act.

There are seven design and construction requirements under the Act. The seven standards are as follows:

1. an accessible building on an accessible route;
2. accessible and usable public and common use areas;
3. useable doors;
4. accessible route into and through the covered dwelling unit;
5. accessible light switches, electric outlets, thermostats and other environmental controls in accessible location;
6. reinforced walls for grab bars;
7. usable kitchens and bathrooms.

All ground floor units in covered multi-family buildings ready for first occupancy on or after March 13, 1991 are required to meet the above requirements.

One Hundred percent (100%) of the units audited showed some level of noncompliance with the design and construction guidelines of the Fair Housing Act.

1. an accessible building on an accessible route; **50% noncompliance**
2. accessible and usable public and common use areas; **80% noncompliance**

3. useable doors; **50% noncompliance**
4. accessible route into and through the covered dwelling unit; **70% noncompliance**
5. accessible light switches, electric outlets, thermostats and other environmental controls in accessible location; **40% noncompliance**
6. reinforced walls for grab bars; **unable to determine**
7. Usable kitchens and bathrooms. **70% noncompliance**

Thirty percent (30%) showed substantial compliance with the Fair Housing Act and could be brought into full compliance with only minor modifications or alterations. Seventy percent (70%) of the complexes audited violated 3 or more of the requirements. Thirty percent (30%) violated both the Fair Housing Act and the Americans with Disabilities Act by having models located on the second floor.

No evidence of illegal steering in the rental market was noted in any of the audit reports. One leasing agent offered reasonable accommodations or modifications to bring the units into compliance. This is a best practice and should have been stated by all of the leasing agents audited.

NIMBYism however, has the greatest effect on persons with disabilities, particularly those living in a group home setting. The consolidated plan for the City of Durham outlines in great detail the housing needs for persons with mental and developmental disabilities and for persons with HIV or AIDS.

Information received from disability advocates in the Durham area indicate that there is still a shortage of accessible housing units in the Durham area and that there is still significant noncompliance although there has been some improvement in compliance. It was also reported that many persons with disabilities are faced with landlords' perceptions that a person with disabilities will require more attention than other tenants and are reluctant to rent to them.

African Americans

The North Carolina Fair Housing Center conducted audits to determine the level and type of discrimination faced by African-Americans in the Durham rental market 1999. The audit found a significant level of "gatekeeping" of African-American applicants. "Gatekeeping" is a term used to describe the effort by a rental agent to pre-qualify an applicant by making sure before they show the property that the applicant can meet their qualification standards. In twenty percent (20%) of the sites tested African-Americans were told about fewer units than the white testers. In 13% of the tests conducted African-Americans were quoted higher rental rates than white testers.

Hispanics

The North Carolina Fair Housing Center conducted audits in 1999 to determine the level and type of discrimination faced by Hispanics/Latinos in the Durham rental market. Significant levels of discrimination were found. In several of the sites audited the white applicant was informed of more units than the Hispanic applicant. In twenty percent (20%) of the sites audited the Variable applicant was given a higher rental price than the Control applicant.

Hispanics and other immigrants also experience discrimination in the terms and conditions of occupancy. Many times landlords refuse to carryout repairs and routine maintenance for immigrant tenants. The North Carolina Fair Housing Center filed a complaint with the Durham Human Relations Commission against Lee Ray Bergman alleging that he failed to conduct routine maintenance and charged Hispanics for repairs. A lawsuit was filed against the City of Durham and the NC Fair Housing Center stating that the Center did not have standing to file a complaint against Mr. Bergman. A local Superior Court judge ruled that under federal law the Center would have had standing but under State law no such standing existed. The State Court of Appeals agreed. Without the ability of the NC Fair Housing Center and other fair housing organizations having the ability to stand on behalf of immigrant families who have little trust in the system this serves as a significant barrier to equal housing opportunity for Hispanics.

Emerging Fair Housing Issues

Religion

While its religious landscape remains overwhelmingly Christian, new religious communities are becoming visible and vital in Durham. One of the largest Sikh Temples in the South, and two Islamic centers are the most obvious witnesses to the influx of new immigrants.

Since the tragedy of September 11, 2001, there have been some challenges for those of the Muslim faith. Persons surveyed for this report did mention receiving a few threatening phone calls. There were also reports of threats against the Islamic Centers.

The FBI issued a memorandum to Apartment Managers that will be violative of the Fair Housing Act if implemented only against persons of the muslim faith or persons of middle eastern decent. The Apartment Association of North Carolina and the Durham Apartment Association have done a good job of providing appropriate guidance to their members.

Enforcement Efforts

In 1979, with the support of the Durham Board of Realtors, the Durham Apartment Association and other housing industry groups Durham became one of the first cities in the South to pass an ordinance prohibiting discrimination in housing on the basis of race, color, religion, sex, and national origin. That ordinance was recognized by HUD as substntially equivalent to the federal Fair Housing Act in 1980. In 1989 the City of Durham amended its ordinance to protect families with children under the age of 18 and persons with disabilities. Durham was one of the first cities in the country to be recertified as substancially equivalent under the Fair Housing Amendments Act of 1988.

Fair housing enforcement is the responsibility of the Durham Human Relations Commission .The Commission was established in 1968 as an outgrowth of the Mayor's Friendly Relations Committee. The Commission has a staff of seven to assist it in carrying out its mission.

The Durham Human Relations Department receives fair housing complaints by three primary means: by telephone or walk-in, by mail, and by referrals from HUD and local referral agencies.

The process of filing a complaint with the Commission requires that the complainant comes into the office. Under special circumstances (i.e. to accommodate an individual who is disabled), an off-site interview will be conducted.

A review of Commission records from 2003 to the present shows a strong commitment to the elimination of illegal housing discrimination and to the promotion of fair housing choice for all of Durham's citizens. The Department changed its investigative methodology when it was observed that the staff relied on correspondence and telephone interviews rather than on-site visits in most investigations. Since April, 2004, the investigators have conducted on-site reviews on all cases and as a result have conciliated 85% of them.

A court decision *Bergman v. NC Fair Housing Center* 00CVS 04096 may affect the agency's ability to carry out the provisions of its fair housing law or ordinance. This ruling by the NC Court of Appeals determined that the NC Constitution does not recognize organizational standing for fair housing organizations. This ruling contradicts federal court decisions. State House of Representative H. M. Michaux introduced legislation to grant Fair Housing Organizations as defined under 42 U.S.C § 3602 with standing under the State Fair Housing Act. The State Act was amended as follows.

§ 41A-7. Enforcement.

(a) Any person who claims to have been injured by an unlawful discriminatory housing practice or who reasonably believes that he will be irrevocably injured by an unlawful discriminatory housing practice may file a complaint with the North Carolina Human Relations Commission. A fair housing enforcement organization, as defined in regulations adopted under 42 U.S.C. § 3602 (1968), may file a complaint with the Commission on behalf of a person who claims to have been injured by or reasonably believes he will be irrevocably injured by an unlawful discriminatory housing practice.

There is a dispute as to whether the amendment to the State Statute was sufficient to grant standing under the Durham Fair Housing Ordinance. HUD has recommended that the NC Fair Housing Center file complaints directly with HUD until this issue can be cleared up. As a result of the NC Fair Housing Center's inactivity in Durham, the enforcement statistics of the Durham Human Relations Commission are below those of its peer agencies and the Atlanta Regional HUD Enforcement Center.

The Commission has established an ongoing relationship with industry groups and routinely makes presentations and conducts workshops concerning fair housing for the Durham Apartment Association, the Durham Association of Realtors, El Centro Hispano and the Durham Affordable Housing Coalition.

Since 2003 the Commission has averaged 10 workshops or presentations per month to local community groups informing them of their fair housing rights under the law. The Commission has a strong Education and Outreach program for reaching Hispanics. Further, the Commission has run public service announcements and participated in other outreach activities to reach citizens and inform them of their rights.

PROPOSED FAIR HOUSING ACTION PLAN

Land Use and Zoning

- Zoning ordinances, policies, regulations, and administrative practices must be reviewed for all grantees and sub-grantees for compliance with the Fair Housing Act, and other applicable civil rights laws. This action should be conducted by the designated Fair Housing Officer for the City.
- Develop and publish clear administrative procedures for the zoning process and apply the process consistently to all zoning applications.
- Zoning uses must be clearly defined.
- Local zoning ordinances must contain provisions that a zoning board shall make reasonable accommodations for disabled citizens and establish criteria for making such accommodations.
- Zoning administrators, officials, administrators and legal counsel should receive training on the impact of the Fair Housing Act and other civil rights laws in the context of the zoning process.
- Conduct a spatial analysis of availability of affordable housing as part of the application process for all affordable housing or community development grantees or program recipients.
- Conduct a spatial analysis of exclusionary zoning patterns.
- Conduct a spatial analysis of access to governmental services.
- Coordinate planning activities with the Durham Public Schools around school site selection procedures.

Homeownership/ Home Sales

- Conduct social survey measures of individual discriminatory attitudes
- Conduct an audit to determine the level of discrimination faced by persons in the sales market. The Human Relations Commission should utilize HUD funding to carry out this activity.
- Encourage development of mixed income housing developments.
- Provide Fair Housing information and instruction to all participants of housing programs

Access to Credit and Fair Lending Activities

- Continue down payment assistance programs
- Convene a meeting with Local Financial Institutions to discuss public/private affordable housing loan pools.
- Consider the development of a linked deposit program
- Submit a copy of the Consolidated Plan and Analysis of Impediments to the CRA files of all local financial institutions.

Rental Housing

- Conduct social survey measures of individual discriminatory attitudes
- Conduct an audit to determine the level of discrimination faced by Hispanic renters

- Conduct an audit to determine the level of noncompliance with the design and construction provisions of the Fair Housing Act

Public Housing

- Conduct social survey measures of attitudes related to Public Housing and Section 8
- Conduct an audit to determine the level of discrimination faced by Section 8 participants.
- Conduct a comprehensive review of all public housing units for compliance with accessibility requirements.
- Conduct a comprehensive review for compliance with Section 3.
- Increase funding for modifications to units for the benefit of persons with disabilities.
- Conduct a review of the spatial allocation of public housing units.

Enforcement Activities

- Continue to support the Durham Human Relations Department
- Conduct a review of the Durham Fair Housing Ordinance to ensure equivalency with state and federal fair housing laws.
- Assign a City Wide Fair Housing Officer to review all departments for compliance with various civil rights laws and regulations.
- Conduct a Public Education Campaign regarding Fair Housing Rights in the Sales Market
- Conduct a Public Education Campaign regarding Fair Housing Rights in the Rental Market
- Conduct a Public Education Campaign to inform Persons with Disabilities about their rights
- Conduct a Public Education Campaign to inform Hispanics of their Rights and how to exercise them.
- Develop a Fair Housing Testing Program.

Appendix B

Fair Housing and Fair Lending Laws

Fair Housing and Fair Lending Laws

Home Mortgage Disclosure Act (12 U.S.C. 2801-11)

The purpose of the Home Mortgage Disclosure Act (HMDA) is to provide community groups and citizens with sufficient information to enable them to determine whether depository institutions are fulfilling their obligations to serve the housing needs of the communities and neighborhoods in which they are located and to assist public officials in their determination of the distribution of public sector investments in a manner designed to improve the private investment environment.

HMDA requires depository institutions and mortgage lenders to

- Disclose each year the actions taken on all residential mortgage loan applications. This includes applications to purchase, rehabilitate or refinance a dwelling.
- Report this data by the race, sex, and income of the borrower and by the census tract in which the property is located. Lenders must also report the number of loans and total loan amounts made in each census tract.
- Provide this information upon request to community groups and members of the public.

Community Reinvestment Act (12 U.S.C. 2901-05)

The Community Reinvestment Act requires depository institutions to serve the banking and credit needs of the communities in which they are chartered to do business. Congress finds that "... regulated financial institutions have a *continuing and affirmative obligation* [emphasis added] to help meet the credit needs of the local communities in which they are chartered.

Every covered depository institution must adopt an annual CRA Statement and maintain a "CRA File" for public review. The CRA file should contain any letters or other written comments from the public regarding the performance of the bank in meeting its CRA obligations.

CRA requires Federal financial regulatory agencies to examine how well depository institutions meet community needs as a part of regularly scheduled examinations or in connection with a bank's application for approval of :

- a new charter
- the opening of a new branch or deposit facility
- the relocation of a branch or home office
- the merger of one institution with another, or
- the acquisition of one institution by another.

Along with reviewing the CRA file as part of the examination, regulatory agencies must notify the community of the pending examination and/or merger, etc., and provide a 30 day comment period for individuals and community groups to comment on how well community needs have been met.

Civil Rights Acts of 1866 and 1870 (42 U.S.C. 1981-82)

The Civil Rights Act of 1866 gives "All persons within the jurisdiction of the United States the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings ... as is enjoyed by white citizens..."

The Civil Rights Act of 1870 gives all citizens of the United States the same rights as white citizens to "inherit, lease, sell, hold, and convey real and personal property.

Fair Housing Act (42 U.S.C. 3601-19)

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in housing and housing related services on the basis of race, color, religion, sex, national origin, handicap or familial status.

Prohibited acts of discrimination include but are not limited to:

- The refusal to sell, rent or lease housing;
- to falsely deny the availability of housing;
- providing different terms, conditions or privileges for the sale or rental of a dwelling;
- Blockbusting;
- Steering;
- to deny access to or membership in a facility or service related to the sale or rental of housing;
- to refuse to make a mortgage loan;
- to refuse to provide information regarding the availability of loan products and services;
- Redlining;
- to discriminate in appraising property; or
- to set different terms or conditions on the pricing of a loan product.

The Fair Housing Act also includes affirmative requirements related to persons with disabilities. It is unlawful to refuse to make reasonable accommodations in rules, policies, practices or services, if such an accommodations is necessary for a handicapped person to use the housing. Further, landlords must allow reasonable modifications of a dwelling or common use areas, if necessary for the handicapped person to use the housing.

The Fair Housing Act also contains requirements for multifamily dwellings containing four or more units ready for first occupancy after March 13, 1991. All ground floor units must have:

- an accessible route into and through the unit;
- accessible lights switches, electrical outlets, thermostats, and other environmental controls;
- reinforced bathroom walls to allow later installation of grab bars; and
- kitchens and bathrooms that can be used by people in wheelchairs.

In addition, all public and common area must be accessible to persons with disabilities and all doors and hallways must be wide enough for wheelchairs.

Executive Order 11063 (Equal Opportunity in Housing)

Executive Order 11063 directs all departments and agencies in the executive branch of the federal government, whose functions relate to the provision, rehabilitation, or operation of housing and related facilities, to prevent discrimination on the basis of race, color, religion, creed, sex or national origin.

Agencies were directed to prevent discrimination in the sale, lease, rental or other disposition of residential property and related facilities (including land to be developed for residential use), or in the use or occupancy thereof , if such property and related facilities are:

- owned or operated by the federal government;
- provided in whole or in part with the aid of loans, advances, grants, or contributions agreed to be made by the federal government;
- provided in whole or in part by loans insured, guaranteed or otherwise secured by the credit of the federal government; or
- provided by the development or the redevelopment of real property purchased, leased, or otherwise obtained from a State or local public agency receiving federal financial assistance for slum clearance or urban renewal with respect to such real property under a loan or grant contract.

Agencies also were directed to prevent discrimination in lending practices with respect to residential property and related facilities of lending institutions to the extent that such practices relate to loans insured or guaranteed by the federal government.

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)

Title VI of the Civil Rights Act of 1964 provides for nondiscrimination in federally assisted programs on the basis of race, color, or national origin. Title VI states that no person should be excluded from participation in, denied the benefit of, or subjected to discrimination in any program or activity receiving federal financial assistance.

A grantee may not:

- Deny;
- offer unequal aid, benefit, or service;
- provide any aid, benefit, or service that is not as effective;
- aid or perpetuate discrimination by funding agencies that discriminate;
- deny participation as a member of a planning or advisory board;
- use discriminatory selection or screening criteria;
- perpetuate the discrimination of another recipient;
- select sites or locations which would exclude participation; or
- anything else that would defeat the objectives of the program with respect to protected class members

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5309)

Title I states that no person shall be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with funds made available through the Housing and Community Development Act on the basis of race, color, national origin, sex, age or handicap.

A grantee may not:

- Deny;
- offer unequal housing, aid, benefit, or service;
- provide any housing, aid, benefit, or service that is not as effective;
- aid or perpetuate discrimination by funding agencies that discriminate;
- deny participation as a member of a planning or advisory board;
- use discriminatory selection or screening criteria;
- perpetuate the discrimination of another recipient;
- deny a dwelling to a renter or buyer;
- select sites or locations which would exclude participation; or
- anything else that would defeat the objectives of the program with respect to protected class members.

Age Discrimination Act of 1975 (42 U. S.C. 6101-07)

The Age Discrimination Act of 1975 states that no person because of their age can be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The Age Discrimination Act of 1975 does not apply to any age distinction contained in a federal, state or local statute or ordinance adopted by an elected, general purpose legislative body which:

- provides any benefits or assistance to persons based on age; or
- establishes criteria for participation in age-related terms; or
- describes intended beneficiaries or target groups in age-related terms.

A grantee is also permitted to take an action otherwise prohibited if the action reasonably takes into account age as a factor necessary to the normal operation or statutory objective of any program or activity. An action is deemed reasonable if

- age is used as a measure or approximation of one or more other characteristics; and,
- the other characteristics must be measured or approximated in order for the normal operation of the program or activity to continue or to achieve any statutory objective of the program or activity; and ,
- the other characteristics can be reasonably measured or approximated by the use of age; and,
- the other characteristics are impractical to measure directly on an individual basis.

A grantee is also permitted to take an action otherwise prohibited which is based on a factor other than age, even though that action may have a disproportionate affect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

And finally, if a grantee is operating a program which serves the elderly or children in addition to persons of other ages which provides special benefits to the elderly or children, these special benefits will be considered voluntary affirmative action as long as it does not have the effect of excluding otherwise eligible persons from participation in the program.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)

Section 504 states that no person because of their disability can be excluded from participation in, be denied the benefits of , or be subjected to discrimination under any program or activity receiving federal financial assistance.

Any individual who has a physical or mental disability which for that individual constitutes or results in a substantially limits one or more major life activities; has a history of such an impairment or is regarded as having such an impairment is covered under Section 504. Current drug abusers and alcoholics who are not in recovery are not covered.

Americans with Disabilities Act (42 U.S.C. 12101 et seq)

The Americans with Disabilities Act extends to persons with disabilities civil rights similar to those now available on the basis of race, color, religion, sex, and national origin. The ADA prohibits discrimination in employment, services rendered by state and local governments, places of public accommodations, transportation and telecommunications.

The ADA addresses services and activities of State and local governments including actions applicable to public transportation. The ADA also addresses public accommodations and businesses and services operated by private entities. This is important because while many private residential properties built prior to March 13, 1991 are not covered by the design and construction provisions of the Fair Housing Act they are not necessarily exempt from the design, construction and modification provisions of the ADA.

The ADA also includes affirmative requirements related to persons with disabilities. It is unlawful to refuse to make reasonable accommodations in rules, policies, practices or services, if such an accommodation is necessary for a person with disabilities to use the housing. Further, landlords must allow reasonable modifications of a dwelling or common use areas, if necessary for the person with disabilities to use the housing.

Architectural Barriers Act of 1968 (42 U.S.C. 4151)

The Architectural Barriers Act (ABA) requires that certain buildings financed with federal funds be designed and constructed to be accessible to persons with disabilities. This Act covers

- Any building that is constructed or altered by or on behalf of the United States;
- that is leased by the Federal Government; or
- which is financed in whole or in part by a grant or a loan made by the United States.

The third application of this Act only applies to loans or grants which have specific design, construction or alteration requirements attached to the performance of the grant or loan. In 1989 The HUD Secretary made a policy decision that the ABA would also apply to programs and activities funded under the CDBG program.

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u).

The purpose of Section 3 of the Housing and Urban Development Act of 1968 is to ensure that low income and persons receiving public assistance for housing benefit from employment and economic opportunities generated by HUD financed projects. Section 3 requires that a grantee;

- Implement procedures to notify eligible residents within the community of training and employment opportunities generated by the grant award.
- Notify potential contractors and subcontractors of their responsibilities under this Act.
- Facilitate the training and employment of qualified residents.
- Insure that all contractors and subcontractors are in compliance with Section 3 requirements.
- Document all actions taken to comply, report any impediments encountered and the results of any actions taken as a result of Section 3 requirements.

Section 3 requirements must be met only for Section 3 covered assistance, which is defined as:

- Public and Indian Housing Assistance;
- Section 8 and other housing assistance;
- housing rehabilitation;
- housing construction; and
- other housing assistance.

Both the grantee and subcontractors are covered if the grantee receives over \$200,000 and the subcontractor receives over \$100,000. Only the grantee is covered if the contractor or subcontractor receives less than \$100,000. All grantees, contractors and subcontractors receiving Public and Indian Housing Assistance **MUST** comply with Section 3 requirements regardless of the amount of the award.

Equal Credit Opportunity Act (15 U.S.C. 1691)

The Equal Credit Opportunity Act (ECOA) makes it unlawful for any creditor to discriminate against any applicant, with respect to any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, age, or marital status or because any part of their income is derived from any public assistance program.

Conclusion

This manual provides you with an overview of the current community reinvestment and anti-discrimination laws that can be utilized by local community groups to bring about change. The above information is meant to be a synopsis of these laws and not a complete discussion of the laws or their applications.

FAIR HOUSING LAWS

	Title VI Civil Rights Act of 1964	Title I Housing and Community Development Act of 1974	E.O. 11068	Sec. 504	Title II ADA	Age Discrimination Act	Title VIII Fair Housing Act
Prohibited Acts of Discrimination	Race, color, national origin	Race, color, national origin, sex, religion	race, color, national origin, disability, sex	Disability	Disability	Age	Race, color, national origin, sex, religion, disability and familial status
Deny a qualified person services or benefits under a program or activity	X	X	X	X	X	X	X
Deny a qualified person the opportunity to participate in a program or activity	or afford an opportunity that is different	or afford an opportunity that is different	or afford an opportunity that is different	X	X	X	X
Restrict a qualified person in access to or enjoyment, advantage, or privilege of benefits or services	X	X	X	X	X	X	X
Provide services or benefits to a qualified person which are different	Or provided in a different manner	or provided in a different manner	or provided in a different manner	X	X		X
Site selection for housing or facilities which has the effect of denying participation, services, or benefits to qualified persons or which impairs the objectives of the program or activity	X	X		X	X		X
Failure to correct effects of past discrimination	X	X	X	X			X
Use methods of administration which have the effect of denying qualified persons the opportunity to participate or which impair the objectives of the program or activity	X	X		or perpetuate the discrimination of another recipient who is subject to common administrative controls	or perpetuate the discrimination of another recipient who is subject to common administrative controls		X
Treat a qualified person differently in criteria for admission, enrollments, eligibility, membership, etc., necessary to receive benefits or services	X	X	X				

	Title VI Civil Rights Act of 1964	Title I Housing and Community Development Act of 1974	E.O. 11068	Sec. 504	Title II ADA	Age Discrimination Act	Title VIII Fair Housing Act
Prohibited Acts of Discrimination	Race, color, national origin	Race, color, national origin, sex, religion	race, color, national origin, disability, sex	Disability	Disability	Age	Race, color, national origin, sex, religion, disability and familial status
Deny a qualified person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program	X			X	X		X
Subject a qualified person to segregation or separate treatment in receipt of benefits or services	X	X	X				X
Provide significant assistance to an agency, organization, or person, which is a beneficiary of a program or activity that discriminates		X		X			
Deny a qualified person the opportunity to participate in a program, or activity as an employee or engage in discriminatory employment practices	Limited circumstances	X					X
Failure to affirmatively market	X		X	X			
Deny a qualified person services, benefits, opportunity to participate which is not equal to that afforded to others				X	X		X
Provide a qualified person with less effective service and benefits under programs and activities so as to diminish an equal opportunity to accomplish the same achievements as others				X	X		X
Improper use of drug testing					X		

	Title VI Civil Rights Act of 1964	Title I Housing and Community Development Act of 1974	E.O. 11068	Sec. 504	Title II ADA	Age Discrimination Act	Title VIII Fair Housing Act
Prohibited Acts of Discrimination	Race, color, national origin	Race, color, national origin, sex, religion	race, color, national origin, disability, sex	Disability	Disability	Age	Race, color, national origin, sex, religion, disability and familial status
Deny a dwelling to a qualified buyer or renter based on disability of buyer or renter or other person eligible to reside in a dwelling after it is sold, rented, or made available				X	X		X
Failure to administer services, programs, or activities in an appropriate integrated setting				X	X		X
Deny a qualified person the opportunity to participate in a program or activity that is not separate or different despite the existence of permissibly separate or different programs or activities				X			
Selection of procurement contractors may not use criteria which subject qualified person to discrimination					X		
Administration of licensing or certification program or establishment of requirements for the programs or activities of licensees or certified entities which subject qualified persons to discrimination					X		
Failure to make reasonable modifications in policies, practices, and procedures necessary to avoid discrimination	X		X	X	X		X

	Title VI Civil Rights Act of 1964	Title I Housing and Community Development Act of 1974	E.O. 11068	Sec. 504	Title II ADA	Age Discrimination Act	Title VIII Fair Housing Act
Prohibited Acts of Discrimination	Race, color, national origin	Race, color, national origin, sex, religion	race, color, national origin, disability, sex	Disability	Disability	Age	Race, color, national origin, sex, religion, disability and familial status
Impose eligibility criteria that screen out or tend to screen out qualified persons (or class) from services, programs, or activities	X			X	X		X
Impose a surcharge on disabled individuals (or group) receiving auxiliary aids or program accessibility					X		
Exclude or deny equal services, programs, or activities to a qualified person or entity based on a known association or relationship with a disabled person				X	X		
Cannot discriminate on the basis of illegal drug use if the person is not engaging in current illegal use of drugs				X	X		
Cannot deny health services or services to qualified person provided in connection with drug rehabilitation					X		
Maintenance of required accessible features in operable working conditions				X	X		X
Reprisal against a person who has opposed an unlawful act or practice or who has participated in an investigation, proceeding or hearing under applicable law	X	X	X	X	X	X	X
Coerce intimidate or threaten a person on the basis of having exercised any right under law	X	X	X	X	X	X	X

Appendix B

Home Mortgage Disclosure Act

Aggregate Data 2005

MSA/MD: 20500 - DURHAM, NC

Race and Gender 5/ 18/ 19/	Applications Received 20/		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed For Incompleteness	
	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's
AMERICAN INDIAN/ALASKA NATIVE (TOTAL)	7	881	2	250	1	125	2	226	1	130	1	150
MALE	2	180			1	125	1	55				
FEMALE	2	230	1	100					1	130		
JOINT (MALE/FEMALE)	3	471	1	150			1	171			1	150
ASIAN (TOTAL)	16	2304	14	2093			1	97			1	114
MALE	5	696	4	582							1	114
FEMALE	6	811	5	714			1	97				
JOINT (MALE/FEMALE)	5	797	5	797								
BLACK OR AFRICAN AMERICAN (TOTAL)	354	46352	249	33597	11	1457	57	6891	29	3458	8	949
MALE	101	12615	70	9193	4	462	17	1890	7	779	3	291
FEMALE	176	22743	122	16051	4	533	30	3627	19	2366	1	166
JOINT (MALE/FEMALE)	77	10994	57	8353	3	462	10	1374	3	313	4	492
NAT HAWAIIAN/OTHER PACIFIC ISL (TOTAL)	8	1052	8	1052								
MALE	3	328	3	328								
FEMALE	3	391	3	391								
JOINT (MALE/FEMALE)	2	333	2	333								
WHITE (TOTAL)	504	63928	388	50509	23	2623	48	5263	36	4447	9	1086
MALE	183	22618	143	18401	10	1153	18	1759	7	710	5	595
FEMALE	141	16333	99	11785	8	853	19	1925	12	1393	3	377
JOINT (MALE/FEMALE)	180	24977	146	20323	5	617	11	1579	17	2344	1	114
2 OR MORE MINORITY RACES (TOTAL)	1	199	1	199								
MALE												
FEMALE	1	199	1	199								
JOINT (MALE/FEMALE)												
JOINT (WHITE/MINORITY RACE) (TOTAL)	15	2144	12	1681					3	463		
MALE	1	140	1	140								
FEMALE	1	88	1	88								
JOINT (MALE/FEMALE)	13	1916	10	1453					3	463		
RACE NOT AVAILABLE (TOTAL) 6/	157	19687	106	13563	8	779	15	1826	25	3199	3	320
MALE	46	5318	25	2865	6	587	5	572	9	1180	1	114
FEMALE	29	3453	19	2320	1	89	5	524	4	520		
JOINT (MALE/FEMALE)	36	5163	30	4292					5	742	1	129

MSA/MD: 20500 - DURHAM, NC

Ethnicity, Gender and Income 7/ 18/ 19/	Applications Received 20/		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed For Incompleteness	
	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's
HISPANIC OR LATINO (TOTAL)	153	17847	113	13351	11	1245	17	1757	7	892	5	602
MALE	75	8352	49	5590	9	973	10	1009	4	457	3	323
FEMALE	25	2620	21	2336			4	284				
JOINT (MALE/FEMALE)	53	6875	43	5425	2	272	3	464	3	435	2	279
NOT HISPANIC OR LATINO (TOTAL)	641	83556	479	64528	19	2101	81	9287	51	6326	11	1314
MALE	200	25249	149	19755	8	814	26	2749	12	1326	5	605
FEMALE	243	30011	168	21212	7	769	41	4665	24	2988	3	377
JOINT (MALE/FEMALE)	197	28174	161	23439	4	518	14	1873	15	2012	3	332
JOINT (HISPANIC OR LATINO/ NOT HISPANIC OR LATINO) (TOTAL)	8	1202	7	1073			1	129				
MALE												
FEMALE	2	294	1	165			1	129				
JOINT (MALE/FEMALE)	6	908	6	908								
ETHNICITY NOT AVAILABLE (TOTAL) 6/	260	33942	181	23992	13	1638	24	3130	36	4479	6	703
MALE	66	8294	48	6164	4	540	5	518	7	886	2	186
FEMALE	89	11323	61	7935	6	706	9	1095	12	1421	1	166
JOINT (MALE/FEMALE)	60	8694	41	5929	2	289	5	787	10	1415	2	274
MINORITY STATUS 8/ 18/ 19/												
WHITE NON-HISPANIC (TOTAL)	325	42071	250	33414	13	1435	33	3630	24	2943	5	649
MALE	111	14327	88	11867	5	583	10	980	6	625	2	272
FEMALE	99	11484	68	8054	5	507	16	1725	7	821	3	377
JOINT (MALE/FEMALE)	115	16260	94	13493	3	345	7	925	11	1497		
OTHERS, INCLUDING HISPANIC (TOTAL)	554	70866	401	52631	23	2827	76	8800	40	4943	14	1665
MALE	187	22311	127	15833	14	1560	28	2954	11	1236	7	728
FEMALE	214	27130	154	19927	4	533	35	4008	20	2496	1	166
JOINT (MALE/FEMALE)	153	21425	120	16871	5	734	13	1838	9	1211	6	771
INCOME OF APPLICANTS 9/												
LESS THAN 50% OF MSA/MD MEDIAN	204	19181	117	11139	12	1132	46	4149	22	2085	7	676
50-79% OF MSA/MD MEDIAN	439	55016	325	41185	21	2369	47	5752	38	4684	8	1026
80-99% OF MSA/MD MEDIAN	217	31138	180	26048	3	465	18	2574	13	1685	3	366
100-119% OF MSA/MD MEDIAN	76	11640	65	10066	2	315	2	271	6	849	1	139
120% OR MORE OF MSA/MD MEDIAN	107	17185	87	13834	3	488	7	1157	10	1706		
INCOME NOT AVAILABLE 6/	19	2387	6	672	2	215	3	400	5	688	3	412
TOTAL 14/	1062	136547	780	102944	43	4984	123	14303	94	11697	22	2619

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Race and Gender 5/ 18/ 19/	Applications Received 20/		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed For Incompleteness	
	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's
AMERICAN INDIAN/ALASKA NATIVE (TOTAL)	49	4902	25	2545	4	475	15	1341	4	361	1	180
MALE	19	1619	8	664			9	793	2	162		
FEMALE	13	1499	8	887	3	420	1	97	1	95		
JOINT (MALE/FEMALE)	17	1784	9	994	1	55	5	451	1	104	1	180
ASIAN (TOTAL)	474	82960	349	61227	40	7126	39	6054	39	7482	7	1071
MALE	156	28054	108	18697	14	2347	14	2663	18	4011	2	336
FEMALE	118	15893	83	11566	10	1334	15	1539	9	1226	1	228
JOINT (MALE/FEMALE)	200	39013	158	30964	16	3445	10	1852	12	2245	4	507
BLACK OR AFRICAN AMERICAN (TOTAL)	2265	261032	1400	166388	192	21726	430	42835	207	26074	36	4009
MALE	799	90462	477	54671	83	9074	157	16401	75	9267	7	1049
FEMALE	962	100587	598	64843	75	6789	175	15558	95	11174	19	2223
JOINT (MALE/FEMALE)	493	69102	319	46487	34	5863	95	10616	35	5399	10	737
NAT HAWAIIAN/OTHER PACIFIC ISL (TOTAL)	42	4528	31	3559	3	119	7	690	1	160		
MALE	17	1596	12	1404	2	29	3	163				
FEMALE	15	1678	11	1202	1	90	3	386				
JOINT (MALE/FEMALE)	10	1254	8	953			1	141	1	160		
WHITE (TOTAL)	7196	1190127	5710	977232	379	56527	579	70106	428	69793	100	16469
MALE	2147	319789	1615	251502	141	17464	219	23878	137	20572	35	6373
FEMALE	1816	237462	1445	193792	87	10794	158	16269	110	14070	16	2537
JOINT (MALE/FEMALE)	3224	631649	2645	531160	150	28114	200	29690	181	35151	48	7534
2 OR MORE MINORITY RACES (TOTAL)	9	1011	6	741	1	101	1	105	1	64		
MALE	6	592	4	423			1	105	1	64		
FEMALE												
JOINT (MALE/FEMALE)	2	293	1	192	1	101						
JOINT (WHITE/MINORITY RACE) (TOTAL)	162	26617	123	21111	12	2343	15	1735	11	1400	1	28
MALE	4	929	3	720			1	209				
FEMALE	11	1472	10	1252					1	220		
JOINT (MALE/FEMALE)	146	24026	109	18949	12	2343	14	1526	10	1180	1	28
RACE NOT AVAILABLE (TOTAL) 6/	1573	240962	959	155282	127	19674	253	29079	203	30492	31	6435
MALE	321	42093	175	24862	27	2836	71	8155	42	5297	6	943
FEMALE	232	27544	136	16800	21	2227	40	4061	28	3328	7	1128
JOINT (MALE/FEMALE)	240	45098	166	33555	12	3430	28	2395	33	5418	1	300

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Ethnicity, Gender and Income 7/ 18/ 19/	Applications Received 20/		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed For Incompleteness	
	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's
HISPANIC OR LATINO (TOTAL)	488	51422	307	34534	31	2519	101	8567	39	4512	10	1290
MALE	263	26501	158	17204	21	1630	55	4236	21	2461	8	970
FEMALE	98	10308	73	7977	6	514	14	1206	5	611		
JOINT (MALE/FEMALE)	126	14494	76	9353	4	375	31	3006	13	1440	2	320
NOT HISPANIC OR LATINO (TOTAL)	8726	1345829	6626	1065313	515	72170	906	104209	555	85039	124	19098
MALE	2649	376705	1911	283203	189	22715	331	37856	183	26286	35	6645
FEMALE	2582	314288	1916	241792	151	16538	298	28444	180	22412	37	5102
JOINT (MALE/FEMALE)	3474	651901	2790	538795	172	32460	271	37318	190	36002	51	7326
JOINT (HISPANIC OR LATINO/ NOT HISPANIC OR LATINO) (TOTAL)	100	14366	75	11355	6	726	13	1606	6	679		
MALE	5	704	3	435			1	155	1	114		
FEMALE	4	370	3	294			1	76				
JOINT (MALE/FEMALE)	91	13292	69	10626	6	726	11	1375	5	565		
ETHNICITY NOT AVAILABLE (TOTAL) 6/	2456	400522	1595	276883	206	32676	319	37563	294	45596	42	7804
MALE	552	81224	330	52101	57	7405	88	10120	70	10512	7	1086
FEMALE	483	61169	299	40279	40	4602	79	8184	59	7090	6	1014
JOINT (MALE/FEMALE)	641	132532	480	104480	44	9790	40	4972	65	11650	12	1640
MINORITY STATUS 8/ 18/ 19/												
WHITE NON-HISPANIC (TOTAL)	6069	1010796	4897	839054	304	45671	454	56787	334	55337	80	13947
MALE	1777	270477	1376	217086	107	13575	163	18845	105	15683	26	5288
FEMALE	1571	205461	1260	168749	73	8755	133	14011	89	11409	16	2537
JOINT (MALE/FEMALE)	2715	533961	2257	452502	123	23186	158	23931	140	28245	37	6097
OTHERS, INCLUDING HISPANIC (TOTAL)	3501	437548	2270	296046	281	34331	596	60814	299	39779	55	6578
MALE	1232	147249	754	92351	115	12671	230	23934	116	15938	17	2355
FEMALE	1206	130299	779	87406	94	9046	205	18426	108	12970	20	2451
JOINT (MALE/FEMALE)	1049	158684	729	115586	72	12614	157	18075	73	10637	18	1772
INCOME OF APPLICANTS 9/												
LESS THAN 50% OF MSA/MD MEDIAN	1060	84995	585	51284	79	4583	290	20015	92	7868	14	1245
50-79% OF MSA/MD MEDIAN	2625	275672	1838	200018	178	16786	381	34207	183	19595	45	5066
80-99% OF MSA/MD MEDIAN	1579	195084	1127	141298	124	14693	172	19111	129	16475	27	3507
100-119% OF MSA/MD MEDIAN	1237	173130	960	136528	73	9150	102	13004	85	11863	17	2585
120% OR MORE OF MSA/MD MEDIAN	4803	1014541	3797	813392	277	58989	326	57239	343	71307	60	13614
INCOME NOT AVAILABLE 6/	466	68717	296	45565	27	3890	68	8369	62	8718	13	2175
TOTAL 14/	11770	1812139	8603	1388085	758	108091	1339	151945	894	135826	176	28192

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Race and Gender 5/ 18/ 19/	Applications Received 20/		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed For Incompleteness	
	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's
AMERICAN INDIAN/ALASKA NATIVE (TOTAL)	89	10191	34	3736	13	1479	24	2217	15	1706	3	1053
MALE	29	3014	10	1285	3	161	7	531	8	939	1	98
FEMALE	27	3778	15	1682	3	218	5	700	3	358	1	820
JOINT (MALE/FEMALE)	33	3399	9	769	7	1100	12	986	4	409	1	135
ASIAN (TOTAL)	348	63838	239	43266	32	6030	46	9111	25	4376	6	1055
MALE	110	22197	75	14278	9	1834	16	4775	7	953	3	357
FEMALE	71	10058	49	7017	7	887	10	1241	4	765	1	148
JOINT (MALE/FEMALE)	166	31528	114	21916	16	3309	20	3095	14	2658	2	550
BLACK OR AFRICAN AMERICAN (TOTAL)	4905	535115	1875	206936	409	43486	1671	175322	814	93702	136	15669
MALE	1276	138913	473	53359	134	14093	429	43631	195	22175	45	5655
FEMALE	2035	205073	779	79360	170	17226	699	66828	335	36355	52	5304
JOINT (MALE/FEMALE)	1571	188704	613	73028	104	12063	534	63926	281	34977	39	4710
NAT HAWAIIAN/OTHER PACIFIC ISL (TOTAL)	35	3888	18	2050	2	315	9	828	6	695		
MALE	12	1199	7	570			3	351	2	278		
FEMALE	11	1409	4	592	2	315	3	228	2	274		
JOINT (MALE/FEMALE)	11	1230	7	888			2	199	2	143		
WHITE (TOTAL)	9310	1426842	5517	894149	556	73602	1711	233226	1156	169405	370	56460
MALE	2702	411516	1423	229890	169	23017	590	82646	385	56196	135	19767
FEMALE	2208	281119	1229	159217	167	20026	423	49643	298	38517	91	13716
JOINT (MALE/FEMALE)	4377	730407	2856	503040	216	30247	692	100300	471	74338	142	22482
2 OR MORE MINORITY RACES (TOTAL)	15	1741	8	740	1	100	5	571	1	330		
MALE	5	649	3	272			1	47	1	330		
FEMALE	4	423	3	319			1	104				
JOINT (MALE/FEMALE)	6	669	2	149	1	100	3	420				
JOINT (WHITE/MINORITY RACE) (TOTAL)	152	23956	92	15508	6	903	27	3532	23	3400	4	613
MALE	11	1839	7	893			1	650	2	204	1	92
FEMALE	4	779	4	779								
JOINT (MALE/FEMALE)	137	21338	81	13836	6	903	26	2882	21	3196	3	521
RACE NOT AVAILABLE (TOTAL) 6/	4607	601880	1269	184741	331	40777	1707	199551	982	135008	318	41803
MALE	788	98063	191	27016	40	4600	323	36068	149	19589	85	10790
FEMALE	797	88561	201	25141	41	3735	341	34445	131	15012	83	10228
JOINT (MALE/FEMALE)	935	137482	293	47172	55	8018	354	46552	145	22800	88	12940

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Ethnicity, Gender and Income 7/ 18/ 19/	Applications Received 20/		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed For Incompleteness	
	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's
HISPANIC OR LATINO (TOTAL)	364	40313	154	17619	29	3170	104	10743	64	7058	13	1723
MALE	157	17516	61	7097	15	1506	47	4784	26	2937	8	1192
FEMALE	86	8621	38	3875	6	612	26	2423	15	1584	1	127
JOINT (MALE/FEMALE)	120	14144	55	6647	8	1052	30	3504	23	2537	4	404
NOT HISPANIC OR LATINO (TOTAL)	13140	1823506	6922	1041790	860	105423	3185	385324	1750	231056	423	59913
MALE	3602	501552	1764	265245	258	32007	925	118071	510	66012	145	20217
FEMALE	3865	442520	1856	221820	299	33398	1060	109561	538	62883	112	14858
JOINT (MALE/FEMALE)	5628	873685	3282	551692	299	39515	1183	156073	699	101722	165	24683
JOINT (HISPANIC OR LATINO/ NOT HISPANIC OR LATINO) (TOTAL)	90	13303	59	9310	3	444	20	2268	7	1079	1	202
MALE	1	93					1	93				
FEMALE	3	358	2	290			1	68				
JOINT (MALE/FEMALE)	86	12852	57	9020	3	444	18	2107	7	1079	1	202
ETHNICITY NOT AVAILABLE (TOTAL) 6/	5867	790329	1917	282407	458	57655	1891	226023	1201	169429	400	54815
MALE	1173	158229	364	55221	82	10192	397	45751	213	31715	117	15350
FEMALE	1203	139701	388	48122	85	8397	395	41137	220	26814	115	15231
JOINT (MALE/FEMALE)	1402	214076	581	93439	95	14729	412	56676	209	33183	105	16049
MINORITY STATUS 8/ 18/ 19/												
WHITE NON-HISPANIC (TOTAL)	8027	1229911	4829	786071	451	59234	1492	202950	960	137489	295	44167
MALE	2285	346234	1233	198575	132	17714	507	72338	308	42282	105	15325
FEMALE	1905	241041	1079	139989	140	16990	380	44363	242	30344	64	9355
JOINT (MALE/FEMALE)	3830	641220	2513	446373	179	24530	603	86151	409	64679	126	19487
OTHERS, INCLUDING HISPANIC (TOTAL)	5878	679679	2435	294342	487	55075	1859	199921	934	110026	163	20315
MALE	1563	181618	624	76548	158	17365	488	53184	235	27127	58	7394
FEMALE	2210	227406	883	92889	186	19044	732	70295	354	38779	55	6399
JOINT (MALE/FEMALE)	2079	268093	917	123661	142	18562	628	75423	342	43925	50	6522
INCOME OF APPLICANTS 9/												
LESS THAN 50% OF MSA/MD MEDIAN	2519	205977	753	58927	201	14936	1035	85375	418	36503	112	10236
50-79% OF MSA/MD MEDIAN	4260	441845	1705	174887	320	31168	1320	135393	748	81622	167	18775
80-99% OF MSA/MD MEDIAN	2712	321038	1168	139606	179	19864	771	88901	460	55285	134	17382
100-119% OF MSA/MD MEDIAN	2064	267242	956	127036	133	16912	520	63417	357	47583	98	12294
120% OR MORE OF MSA/MD MEDIAN	6594	1253251	3801	754744	423	71099	1198	208045	888	166415	284	52948
INCOME NOT AVAILABLE 6/	1312	178098	669	95926	94	12713	356	43227	151	21214	42	5018
TOTAL 14/	19461	2667451	9052	1351126	1350	166692	5200	624358	3022	408622	837	116653

MSA/MD: 20500 - DURHAM, NC

Race and Gender 5/ 18/ 19/	Applications Received 20/		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed For Incompleteness	
	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's
AMERICAN INDIAN/ALASKA NATIVE (TOTAL)												
MALE												
FEMALE												
JOINT (MALE/FEMALE)												
ASIAN (TOTAL)												
MALE												
FEMALE												
JOINT (MALE/FEMALE)												
BLACK OR AFRICAN AMERICAN (TOTAL)	3	300	3	300								
MALE												
FEMALE	1	12	1	12								
JOINT (MALE/FEMALE)	2	288	2	288								
NAT HAWAIIAN/OTHER PACIFIC ISL (TOTAL)												
MALE												
FEMALE												
JOINT (MALE/FEMALE)												
WHITE (TOTAL)	9	2570	9	2570								
MALE	2	319	2	319								
FEMALE												
JOINT (MALE/FEMALE)	7	2251	7	2251								
2 OR MORE MINORITY RACES (TOTAL)												
MALE												
FEMALE												
JOINT (MALE/FEMALE)												
JOINT (WHITE/MINORITY RACE) (TOTAL)												
MALE												
FEMALE												
JOINT (MALE/FEMALE)												
RACE NOT AVAILABLE (TOTAL) 6/	15	50895	12	50244			2	395	1	256		
MALE												
FEMALE												
JOINT (MALE/FEMALE)												

MSA/MD: 20500 - DURHAM, NC

Ethnicity, Gender and Income 7/ 18/ 19/	Applications Received 20/		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed For Incompleteness	
	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's
HISPANIC OR LATINO (TOTAL)												
MALE												
FEMALE												
JOINT (MALE/FEMALE)												
NOT HISPANIC OR LATINO (TOTAL)	12	2870	12	2870								
MALE	2	319	2	319								
FEMALE	1	12	1	12								
JOINT (MALE/FEMALE)	9	2539	9	2539								
JOINT (HISPANIC OR LATINO/ NOT HISPANIC OR LATINO) (TOTAL)												
MALE												
FEMALE												
JOINT (MALE/FEMALE)												
ETHNICITY NOT AVAILABLE (TOTAL) 6/	15	50895	12	50244			2	395	1	256		
MALE												
FEMALE												
JOINT (MALE/FEMALE)												
MINORITY STATUS 8/ 18/ 19/												
WHITE NON-HISPANIC (TOTAL)	9	2570	9	2570								
MALE	2	319	2	319								
FEMALE												
JOINT (MALE/FEMALE)	7	2251	7	2251								
OTHERS, INCLUDING HISPANIC (TOTAL)	3	300	3	300								
MALE												
FEMALE	1	12	1	12								
JOINT (MALE/FEMALE)	2	288	2	288								
INCOME OF APPLICANTS 9/												
LESS THAN 50% OF MSA/MD MEDIAN												
50-79% OF MSA/MD MEDIAN												
80-99% OF MSA/MD MEDIAN												
100-119% OF MSA/MD MEDIAN												
120% OR MORE OF MSA/MD MEDIAN												
INCOME NOT AVAILABLE 6/	27	53765	24	53114			2	395	1	256		
TOTAL 14/	27	53765	24	53114			2	395	1	256		

MSA/MD: 20500 - DURHAM, NC

Census Tracts by Median Age of Homes 23/	Loans on 1-to-4 Family and Manufactured Home Dwellings								Loans on Dwellings For 5 or More Families E		Nonoccupant Loans From Columns A, B, C & D F		Loans On Manufactured Home Dwellings From Columns A,B,C & D G	
	Home Purchase Loans				Refinancings C		Home Improvement Loans D							
	FHA, FSA/RHS & VA		Conventional											
	A	B												
	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's	Number	\$000's
1990-MARCH 2000														
LOANS ORIGINATED	94	12902	881	150480	600	88190	34	1897			134	15384	3	262
APPLICAT'N APPROVED, NOT ACCEPTED	5	627	59	9936	104	15362	12	337			13	1290	2	160
APPLICATIONS DENIED	10	1246	67	10284	353	45203	49	1786	1	96	30	3112	12	717
APPLICATIONS WITHDRAWN	11	1520	84	14765	187	25768	18	1211			10	1325	1	136
FILES CLOSED FOR INCOMPLETENESS	1	139	4	538	46	7103	4	293			1	60		
1980-1989														
LOANS ORIGINATED	392	53074	4442	779878	4355	729156	269	17626	6	38624	710	97080	228	17350
APPLICAT'N APPROVED, NOT ACCEPTED	21	2560	330	54797	605	83846	68	3730			56	7311	71	4098
APPLICATIONS DENIED	46	5833	546	69437	2088	276939	325	16526			159	18854	301	21447
APPLICATIONS WITHDRAWN	42	5515	419	68389	1293	201830	84	5400			79	11224	70	6242
FILES CLOSED FOR INCOMPLETENESS	10	1236	92	16140	372	57988	6	279			19	1816	37	3397
1970-1979														
LOANS ORIGINATED	229	29601	2120	309617	2727	371994	250	13967	6	10879	612	67875	195	13162
APPLICAT'N APPROVED, NOT ACCEPTED	12	1293	225	27809	442	47889	51	2460			80	8171	74	4748
APPLICATIONS DENIED	45	4993	434	45369	1875	211534	298	11728			152	14501	240	16893
APPLICATIONS WITHDRAWN	32	3694	251	37943	1106	131039	89	6192	1	256	68	6446	82	6883
FILES CLOSED FOR INCOMPLETENESS	10	1139	52	8653	287	36848	12	1041			22	2306	13	1187
1960-1969														
LOANS ORIGINATED	47	5309	755	106556	898	115531	80	4522	7	2206	419	45854	27	1585
APPLICAT'N APPROVED, NOT ACCEPTED	4	427	87	10569	130	13673	11	396			40	4058	15	821
APPLICATIONS DENIED	18	1833	181	18799	585	65735	85	3483			107	10392	69	4850
APPLICATIONS WITHDRAWN	7	780	89	10194	305	36902	22	1023			50	4993	11	1114
FILES CLOSED FOR INCOMPLETENESS	1	105	20	2217	86	9827	1	27			11	951	3	199
1959 OR EARLIER														
LOANS ORIGINATED	18	2058	405	41554	472	46255	50	3177	5	1405	341	26995		
APPLICAT'N APPROVED, NOT ACCEPTED	1	77	57	4980	69	5922	5	77			39	2824	3	390
APPLICATIONS DENIED	4	398	111	8056	299	24947	61	2222	1	299	102	7084	9	657
APPLICATIONS WITHDRAWN	2	188	51	4535	131	13083	18	1251			45	3841		
FILES CLOSED FOR INCOMPLETENESS			8	644	46	4887	1	15			10	658		